

AMENDMENTS TO THE DRAWINGS

The attached new sheet of drawings includes new FIGS. 12 and 13.

These figures illustrate the "shape, size and spacing of fins of the main section and extended section of the heat sink claimed in claims 17-19 and 22" as required by the examiner.

REMARKS

Applicant respectfully requests reconsideration of this application as amended. Claims 1-8, 13, 20, and 23-25 have been amended, and claims 18, 21-22, and 27-30 have been canceled. Claim 31 has been added. Therefore, claims 1-17, 19-20, 23-26, and 31 are presented for examination.

Amendments to the specifications, drawings, and claims do not add any new subject matter. Furthermore, the amendments are fully supported by the originally filed application.

CLAIM OBJECTIONS

The Examiner has objected to claims 2-3 and 8 because of the following informalities:

The "a high thermal dissipating object" in line 3 of **claim 2**, and on line 9 of **claim 8** should not use "a" as article if it refers to the same element claimed, otherwise, a different name should be used for avoiding confusion; and "the high element" on line 4 of **claim 3** lacks antecedent basis.

Applicant has amended claims 2, 3, and 8. Consequently, Applicant believes such amendments render the objection moot and respectfully request withdrawal of the objection.

DRAWINGS

The Examiner has objected to the drawings under 37 CFR 1.83(a). The

drawings must show every feature of the invention specified in the claims.

Therefore, the "at least one heat pipe" claimed in claim 13, and the shape, size and spacing of fins of the main section and extended section of the heat sink claimed in claims 17-19 and 22 must be shown or the feature(s) canceled from the claim(s).

Applicant has canceled the claim limitation "at least one heat pipe" from claim 13. Furthermore, FIGS. 10-12 have been added to illustrate the fins claimed in claims 17-9 and 20 (claim 22 has been canceled, but rolled up into claim 20). Consequently, Applicant respectfully requests that the Examiner withdraw the objection to the drawings.

SPECIFICATION

The Examiner has objected to the disclosure because of the following informalities:

In paragraph [0049], the reference number "404" has been used to designate both "the first fan" and "a high thermal dissipating object".

Applicant has amended the specification to make corrections to the reference numerals. Accordingly, Applicant requests withdrawal of the objection.

CLAIM REJECTIONS

The Examiner has rejected claims 1-30 based on various combinations of U.S. Patent No. 6,191,546 (hereinafter "Bausch") and U.S. Patent No. 5,926,370

(hereinafter "Cromwell") under 35 U.S.C. §102(b) and 35 U.S.C. §103(a).

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). MPEP §2131.

The Examiner has rejected claims 1-12 and 23-30 under 35 U.S.C. §102(b) as being anticipated by Bausch.

For at least the reasons discussed below, Bausch does not disclose each and every element of the claims because Bausch does not disclose, at the least, "receiving data from a second sensor, the second sensor communicatively coupled to the system to sense an air temperature of the system" as required by, for example, claim 1. Each of the other currently pending independent claims in question recite limitations that are similar to these limitations of claim 1, although some differences may exist among the limitations of the other pending independent claims. These similar limitations nevertheless patentably distinguish the claims over Bausch.

Bausch discloses a digital temperature sensors 42 and 82 (Bausch, FIG. 2). "First digital temperature sensor 42 senses the temperature from heat producing element 20..." (Bausch, column 4, lines 48-49), and "[s]econd digital temperature sensor 82 senses the temperature of heat dissipation structure 50..." (Bausch, column 4, lines 61-63). In contrast, claim 1 of the subject

application (and similar claims) recites a "first sensor ... to sense a temperature of the object" and a "second sensor ... to sense an air temperature of the system". Bausch does not disclose the latter element. Since Bausch does not disclose each and every element of the claims, Bausch does not anticipate claims 1-12 and 23-30 under 35 U.S.C. §102(b). Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-12 and 23-30.

In order to establish a *prima facie* case of obviousness, "[f]irst, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." (Emphasis added). *In re Vaech*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Manual of Patent Examining Procedure (MPEP), 8th Edition, August 2001, §2143.

The Examiner has rejected claims 13, 15-16 and 21 under 35 U.S.C. §103(a) as being unpatentable over Bausch in view of Cromwell. Applicant respectfully submits that the Examiner has not established a *prima facie* case of obviousness because the combination of Bausch and Cromwell does not teach or suggest all the claim limitations.

As discussed above, Bausch does not disclose and every element of the claims because Bausch does not disclose, at the least, "receiving data from a second sensor, the second sensor communicatively coupled to the system to

sense an air temperature of the system". Bausch also does not teach or suggest this limitation.

Furthermore, Cromwell does not disclose, teach, or suggest this element. Cromwell discloses a "modular integrated computer apparatus that includes a CPU or VLSI module connected to a printed circuit board, a power converter, and one or more associated electric power cables..." (Cromwell, Abstract).

Since Bausch does not teach or suggest "receiving data from a second sensor, the second sensor communicatively coupled to the system to sense an air temperature of the system", and Cromwell does not disclose, teach, or suggest that which is missing from Bausch, the combination of Bausch and Cromwell does not teach or suggest all the claim limitations. Consequently, a prima facie case of obviousness has not been made, and Applicant respectfully requests that the Examiner withdraw the rejection of claims 13, 15-16 and 21.

ALLOWABLE SUBJECT MATTER

The Examiner has objected to claims 14, 17-19 and 22 as being dependent upon a rejected base claim, but would allow these claims if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 14 has been rolled up into independent claim 13, and claim 22 has been rolled up into independent claim 20. Since claims 15-19 depend, directly or indirectly, from amended claim 13, and inherits the limitations of claim 13, and since claim 13 as amended has been deemed allowable, it follows that claims

15-19 are also allowable.

Conclusion

Applicant respectfully submits that the claims as amended are in condition for allowance. The Examiner is invited to initiate an interview with the undersigned by calling 949-498-0601 if the Examiner believes that such an interview will advance prosecution of this application.

Request for an Extension of Time

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) if one is necessary. Please charge our Deposit Account No. 50-0221 to cover any necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 50-0221.

Respectfully submitted,

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Libby H. Hope, Patent Attorney
Reg. No. 46,774
Patents and Licensing Group
INTEL CORPORATION

c/o Blakely, Sokoloff, Taylor & Zafman
12400 Wilshire Boulevard
7th Floor
Los Angeles, California 90025-1030
(949) 498-0601